

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
EPA NEW ENGLAND**

PUBLIC NOTICE AND OPPORTUNITY TO COMMENT

**PROPOSED REISSUANCE OF PERMIT UNDER THE RESOURCE CONSERVATION
AND RECOVERY ACT (RCRA) AS AMENDED (42 U.S.C. SECTION 6901 ET SEQ.)**

Permittee: General Electric Company
159 Plastics Avenue
Pittsfield, Massachusetts 01201
EPA I.D. No. MAD002084093

ATTENTION: This public notice announces a sixty-day public comment period, through November 16, 2007, for interested persons to submit written comments on a proposed reissued RCRA Corrective Action Permit (“Draft Permit”) to General Electric Company (“GE”) regarding the Rest of River portion of the GE-Pittsfield/Housatonic River Site. Details about the Draft Permit and where to get more information are included in this notice.

PURPOSE: On October 27, 2000, the U.S. District Court entered a Consent Decree of the United States, Massachusetts, Connecticut, and GE. United States, et al. v. General Electric Company (D. Mass.)(Civil Action Nos: 99-30225, 99-30226, 99-30227)(“Consent Decree”, or “Court Order”). The Consent Decree memorializes an agreement to address releases of hazardous waste and/or hazardous constituents from GE’s facility in Pittsfield, Massachusetts. The Consent Decree includes requirements related to a RCRA Corrective Action permit to GE which became effective on October 27, 2000 (the “2000 Permit”).

As provided in the Consent Decree, the 2000 Permit includes requirements for GE to address releases of hazardous waste and /or hazardous constituents to river sediments, banks and floodplain areas downstream of the confluence of the East and West Branches of the Housatonic River (an area defined in the Consent Decree as the “Rest of River”).

The 2000 Permit expires October 27, 2010, ten years from when it became effective. EPA is currently planning to authorize the Commonwealth of Massachusetts, Department of Environmental Protection (“State”) to administer the RCRA corrective action program in the State, including granting to the State the authority to issue future RCRA corrective action permits in the State. However, EPA and the State are in agreement that EPA should continue to take the responsibility for the GE corrective action permit. EPA believes it would be contrary to the Court Order for EPA’s authority regarding the Rest of River either to expire, or to be transferred to the State. To ensure the continued lead role of EPA, the permit needs to be reissued by EPA for a longer term, prior to the date the State is authorized to issue new corrective action permits. To accomplish this, GE has agreed with EPA, pursuant to General Condition I.C of the 2000 Permit, to reissuance of the 2000 Permit solely for the purpose of extending its term.

Therefore, EPA proposes to revoke and reissue the 2000 Permit now to extend the term of the 2000 Permit beyond 2010, to ten years from the effective date of the proposed reissued Permit. Extension of the term of the 2000 Permit would allow significant additional time for completing the Permit Modification actions pursuant to Paragraph 22 of the Consent Decree. (Paragraph 22 provides for steps in investigation and evaluation of response action alternatives for the Rest of River, and also provides procedures for eventual modification of the 2000 Permit to select appropriate corrective measures/remedial action for the Rest of River.)

Under EPA's Draft Permit, no provisions of the 2000 Permit will change except the term of the Permit. The obligations and requirements of GE will not change. The responsibilities of EPA will not change.

Accordingly, EPA is inviting public comments on whether EPA should extend the term of the Permit from an expiration date of October 27, 2010, to a date ten years from the effective date of the reissued Permit. If, upon review of public comments, EPA determines it should extend the term of the Permit, EPA will reissue the Permit to extend the term. However, if upon review of public comments, EPA determines it should not extend the term of the Permit, EPA will not reissue the Permit to extend the term, and the existing permit will remain in effect.

As background, the 2000 Permit is Appendix G to the Consent Decree, and is incorporated therein. The Consent Decree was entered by U.S. District Court as a Court Order. The Consent Decree provisions, including Appendix G, provide for the actions to be taken in addressing contamination in the Rest of River. The Rest of River actions are therefore set out in the Court Order. Accordingly, this 2000 Permit is subject to the Court Order. Thus, while persons may file comments on other provisions of the Draft Permit, if EPA receives comments that lead EPA to determine that any reissued permit would have to include other changes to the 2000 Permit beyond extending the term, EPA will not go forward with reissuance of the 2000 Permit at this time, since making such other changes would be inconsistent with the terms of the Court Order. The result again would be that the existing permit would remain in effect. There would need to be a change to the Court Order before any new permit could be issued with different terms.

If EPA issues a final reissued permit, any person who filed comments on the Draft Permit or participated in any public hearing in this regard may petition the EPA Environmental Appeals Board to review any condition of the permit decision, pursuant to 40 C.F.R. Section 124.19.

HAZARDOUS WASTE/HAZARDOUS CONSTITUENTS TO BE ADDRESSED UNDER THE DRAFT PERMIT:

As with the 2000 Permit, the Draft Permit would require GE to address hazardous waste and/or hazardous constituents, including polychlorinated biphenyls (PCBs), in the channel, banks and floodplains of the Rest of River. The quantities of PCBs and other hazardous wastes or constituents are not certain, although GE utilized PCBs in the manufacture and servicing of electrical transformers at its Pittsfield facility from 1932 to 1977.

YOU HAVE A CHANCE TO PARTICIPATE:

Interested persons are invited to submit written comments concerning the Draft Permit. Public comments will be accepted for sixty (60) days, from September 17, 2007 to November 16, 2007.

Also, any person may request a public hearing, by submitting such request in writing by October 9, 2007, stating the nature of the issues proposed to be raised in the hearing.

Supporting materials are to be included in full with the public comments, unless the supporting materials are part of the administrative record for the Draft Permit. Comments on the Draft Permit are to be submitted to:

Susan C. Svirsky
Rest of River Project Manager
U.S. Environmental Protection Agency, Region I
c/o Weston Solutions
10 Lyman Street
Pittsfield, MA 01201

ADMINISTRATIVE RECORD FOR DRAFT PERMIT:

The administrative record for this Draft Permit includes the Draft Permit, the Fact Sheet accompanying the Draft Permit, and the following:

- The 2000 Permit;
- The administrative record for the 2000 Permit;
- GE's letter of August 23, 2007 requesting revocation and reissuance of the 2000 Permit;
- The Consent Decree and all appendices, attachments, and annexes thereto.

As noted above, the information submitted by GE in support of the reissuance of the Permit, specifically the August 23, 2007 letter, is available as part of the administrative record.

These administrative record documents are available at the following information repositories, during normal business hours:

Berkshire Athenaeum Public Library
Reference Department
1 Wendell Avenue
Pittsfield, MA 01201
413-499-9488

Cornwall Free Library
30 Pine Street
Cornwall, CT 06796

Kent Memorial Library
32 North Main Street

Kent, CT 06757

EPA Records Center
One Congress Street, Suite 1100
Boston, MA 02114-2023
617-918-1546

MassDEP – Western Regional Office
436 Dwight Street
Springfield, MA 01103
413-784-1100

The draft permit and fact sheet are also available for review on EPA's Website:
www.epa.gov/region01/ge/cleanupagreement.html.

For Additional Information, Contact:
Jim Murphy
Community Relations Coordinator
EPA-New England
617-918-1028